

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MOISES CUEVAS, JR.,)	
)	
Plaintiff,)	
)	
v.)	
)	
HUMBERTO NOVOA, ET AL.,)	
)	
Defendants.)	Civil Action No. 3:21-CV-3243-C

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, entered on February 14, 2023, therein advising the Court that: (1) Plaintiff's Motion for Entry of Default Against Nominal Defendant La Engergia Nortena, LLC, [ECF No. 97] should be **DENIED**; (2) said Defendant's Motion to Dismiss for Insufficient Service and Request for Protection [ECF No. 100] should be **GRANTED**; and (2) La Engergia Nortena, LLC's Motion to Strike Clerk's Entry of Default [ECF No. 104] should be **GRANTED**. Plaintiff filed timely objections to the Magistrate Judge's Findings, Conclusions, and Recommendation on February 17, 2023.

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

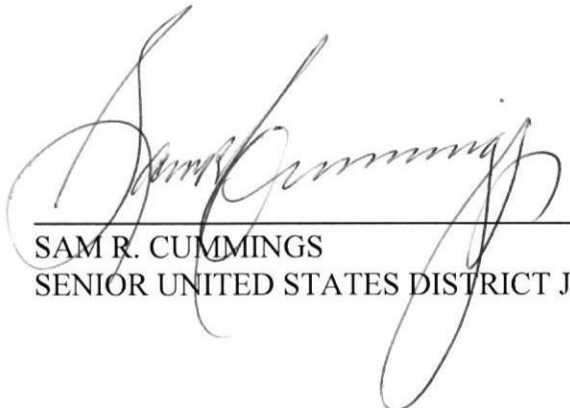
After due consideration and having conducted a *de novo* review, the Court finds that Plaintiff's objections should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court.

For the reasons stated therein, the Court **ORDERS** that: (1) Plaintiff's Motion for Entry of Default Against Nominal Defendant La Energia Nortena, LLC, [ECF No. 97] be **DENIED**; (2) Defendant La Energia Nortena, LLC's Motion to Dismiss for Insufficient Service and Request for Protection [ECF No. 100] be **GRANTED**; and (2) La Energia Nortena, LLC's Motion to Strike Clerk's Entry of Default [ECF No. 104] be **GRANTED**.

The Clerk of Court is **ORDERED** to **STRIKE** the Clerk's Entry of Default [ECF No. 99] against La Energia Nortena, LLC, and this case is **DISMISSED WITHOUT PREJUDICE ONLY** as to nominal Defendant La Energia Nortena, LLC, due to insufficient service of process.

SO ORDERED.

Dated March 13, 2023.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE